

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## CREDIT EXTENSION PROCESS USING A PREPAID CARD

the specification of which: (check one)

XXX is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_  
under Attorney's Docket Number \_\_\_\_\_  
as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56.

I hereby claim the benefit of foreign priority under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application the priority of which is claimed:

Prior Foreign Application(s): Priority Claimed

\_\_\_\_\_  
(Number) (Country) (Filing Date) \_\_\_ Yes \_\_\_ No

I hereby claim the benefit of United States priority under 35 USC 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose information material to the patentability of this application as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/939,940</u> (Application Serial #)	<u>August 27, 2001</u> (Filing Date)	<u>Pending</u> (Status)
<u>60/295,439</u> (Application Serial #)	<u>June 1, 2001</u> (Filing Date)	<u>Pending</u> (Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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EXPRESS MAIL LABEL NO. EL814454913US

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Martin Fleit	Reg. No. 16,900	Stephen Bongini	Reg. No. 40,917
Robert C. Kain	Reg. No. 30,648	William R. Trueba, Jr.	Reg. No. 48,002
Jon A. Gibbons	Reg. No. 37,333	Jeffrey Giunta	Reg. No. 42,583
Jose Gutman	Reg. No. 35,171	Mark Terry	Reg. No. 47,133
		Michael J. DeLuca	Reg. No. 33,116

Direct all telephone calls to Jon A. Gibbons (561) 989-9811 and all correspondence to Customer Number 23334



FULL NAME OF INVENTOR: David KNOX

INVENTOR'S SIGNATURE: [Signature]

DATE: 02/21/2002

RESIDENCE: 1728 Edwards Drive, Unit 19, Point Roberts, Washington 98281

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF INVENTOR: Josh EMANUEL

INVENTOR'S SIGNATURE: [Signature]

DATE: 2/21/2002

RESIDENCE: 35 Horizon Drive, Wayne, New Jersey 07470

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

Applicant or Patentee: David Knox and Josh Emanuel

For: CREDIT EXTENSION PROCESS USING A PREPAID CARD

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Datawave Systems, Inc.

Address of Concern: 101 West 5<sup>th</sup> Avenue, Vancouver, BC V5Y 4A5, Canada

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR §121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled CREDIT EXTENSION PROCESS USING A PREPAID CARD by inventors David KNOX and Josh EMANUEL described in

☒ the specification filed herewith

☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_

☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention, averring status as a small entity (37 CFR 1.27)

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ Individual

☒ Small Business Concern

☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

[illegible]

*[Handwritten signature]*

DAVID KWOY D.P./CTO

101 West 5<sup>th</sup> Avenue, Vancouver, BC V5Y 4A5, Canada

Signature: 101 West 5<sup>th</sup> Avenue, Vancouver

Date: 2/21/2002